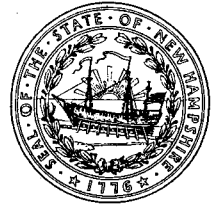


State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2005-12**

May 12, 2005

Frank Giebutowski
PO Box 2265
Wolfeboro, NH 03894

RE: DES Wetlands File #2002-01949 Kingwood Rd, Wolfeboro

Dear Mr. and Ms. Giebutowski:

On April 18, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Wolfeboro Tax Map 250 as Lot 16 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A, NH Code of Administrative Rules Wt 100-800 and RSA 483-B.

During the inspection the following was observed:

1. Erosion controls along the shoreline were not installed properly and the area was not stabilized. This is in violation of condition #8 on the above referenced permit. Bark mulch and rock material has been washed away into Lake Winnepesaukee.
2. The construction area was not properly stabilized and was not constructed to prevent the release of surface runoff across exposed mineral soils. This is in violation of condition #10 on the above referenced permit. Severe erosion was occurring on the property as a result of insufficient storm water runoff diversions and lack of permanent vegetative stabilization.

In response, you are requested to immediately pursue the following actions:

1. Immediately install appropriate siltation and erosion controls to prevent further material from entering the lake.
2. Within 10 days of this letter, submit photographic evidence documenting compliance with #1.
3. By June 1, 2005, submit a sediment and erosion control plan for review and approval. Have the plan prepared by a qualified environmental consultant and include provisions for permanently stabilizing the construction area, addressing the stormwater runoff issues.

Submit the following with the plan:

- A. A dimensioned or drawn to scale plan showing, existing conditions, proposed stormwater runoff, structures, and areas of permanent vegetative stabilization.
 - B. A detailed description of the proposed seeding plan for the permanent stabilization and re-vegetation of disturbed areas.
 - C. Anticipated restoration date.
4. Implement the plan only after receiving written approval and as conditioned by DES.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards for the future subdivision, user, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Darlene Forst, Shoreline Program Supervisor
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,


COPY

Darlene Forst
Shoreland Program Supervisor
Wetlands Bureau

CERTIFIED MAIL 7004 0750 0001 2491 9151

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Wolfeboro Conservation Commission
Wolfeboro Board of Selectmen
USACOE